



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of March 22, 2006

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of the February 23, 2006 meeting

OLD BUSINESS

2. Legislative Ethics Advisory Opinion/Complaint

At its February 23, 2006 meeting, the Ethics Commission voted to issue an advisory opinion at the request of Rep. Thomas B. Saviello and tabled its consideration of a legislative ethics complaint filed by the Conservation Law Foundation. Following that meeting, Rep. Saviello asked the Speaker of the House that he not be re-assigned to the Natural Resources Committee. On March 15, the Conservation Law Foundation filed a request that the Commission take up its complaint and reconsider its February 23 determinations. It also objects to some activity of the Commission during executive session at the February 23 meeting.

NEW BUSINESS

3. Unpaid Penalty/Rep. Edward R. Dugay

On July 13, 2005, the Ethics Commission assessed penalties totaling \$4,110 for the late filing of two campaign finance reports. Rep. Dugay requested additional time to raise funds to pay the penalty. To date, Rep. Dugay has paid only \$500 and \$3,610 remains unpaid. *Staff recommendation: the Commission staff recommends granting Rep. Dugay a final extension until May 10, 2006, or requiring a payment plan with regular payments.*

4. Request for Waiver of Penalty/Betsy Ross Fund

Rep. Deborah Simpson is the treasurer of the Betsy Ross Fund political action committee (PAC). The Election Law requires all PACs to file reports by 5:00 p.m. on specified deadlines. The Betsy Ross Fund filed its January 17, 2006 report at 7:11 p.m. two hours after the deadline. Because the report contained no financial activity, the Commission is authorized to assess a penalty of up to \$100. As a general policy, the Commission staff has begun recommending a penalty of \$25 for no-activity reports because of the administrative burden on the Commission's PAC/Party/Lobbyist Registrar of tracking down non-filers. Rep. Simpson has submitted a letter requesting a waiver of the penalty. *Staff recommendation: the staff recommends assessing a penalty of \$25.*

5. Request by Paul Madore Regarding PAC Registration

In 2005, the Legislature enacted a requirement that PACs file an updated registration form every two years by March 1st of the election year. The Commission proposed this statutory change to encourage up-to-date information about PACs filed at the Commission. A press investigation in 2004 highlighted that information on the registration forms for some PACs on file at the Commission was years old. Paul Madore, a principal officer of a PAC, has requested an opportunity to address the Commission because he believes the requirement is burdensome. *Staff recommendation: the Commission staff believes some requirement to provide up-to-date registration information is beneficial and intends to suggest any amendments to the requirement after the 2006 general election.*

6. Request for Waiver of Penalty/Portland Democratic City Committee

Party committees with more than \$1,500 in contributions or expenditures in a calendar year are required to file 2 or 3 campaign finance reports per year. The Portland Democratic City Committee was required to file campaign finance reports on July 15, 2005 and January 17, 2006. Both reports were filed on February 6, 2006 after the interim treasurer, Sive Neilan, was asked whether reports were overdue. She states that she temporarily took over the treasurer responsibilities in September 2005 and the previous treasurer was not aware that a July 2005 report was due. Because the Portland committee last filed a report in February 2004, it was not on the Commission's mailing list to receive filing schedules. The statutory penalties for the two late reports total \$1,000. *Staff recommendation: the staff recommends reducing the total penalty by 50% to \$500 because the campaign did not receive a reminder notice, the committee has experienced considerable turnover in its treasurers, and because the interim treasurer acted in good faith to remedy the unreported activity.*

7. Request for Waiver of Penalty/Bristol Republican Committee

The Bristol Republican Committee was required to file a campaign finance report on January 17, 2006 which disclosed contributions and expenditures made during 2005. The maximum statutory penalty amount is \$500. Treasurer Lori Chesebro requests a waiver of the penalty. *Staff recommendation: because Ms. Chesebro received the reminder notice sent in December 2005, the staff recommends denying the request for a waiver and assessing the statutory penalty of \$500.*

8. Referral to Attorney General for Collection of Civil Penalties

The staff recommends referring Julia St. James, Sarah Trundy, Dan Rogers and Jessica Larlee to the Office of the Attorney General for collection of the civil penalties and repayments of public funds assessed on January 5, 2006. Ms. St. James may be present to request that the Commission reconsider her penalties and repayment.

9. Assessment of Civil Penalty for Failure to File Report/Al Schulman

Alvin Schulman was a candidate for Portland City Council in the November 2005 general election. Candidates for municipal office in towns and cities with a population of more than 15,000 are subject to the same filing requirements as legislative and county candidates. The state statutes provide for a late filing penalty of \$5 per day for municipal

candidates. Mr. Schulman did not file a post-election campaign finance report due December 20, 2005. The Portland City Clerk referred him as a non-filer to the Ethics Commission. The Commission staff has sent multiple notices to Mr. Schulman and left him a voicemail message for him regarding the failure to file. *Staff recommendation: the staff recommends a total civil penalty of \$465, because the report is at least 93 days late.*

10. Request for Waiver of Penalty/Washington County Tribal Track Coalition

In 2005, the Legislature enacted a requirement that political action committees (PACs) be required to re-register with the Ethics Commission every two years on March 1st of the election year. The only penalty provided in the law for late registration by a PAC is \$250. This penalty was originally contemplated for late initial registration.

The Washington County Tribal Track Coalition did not file its updated registration form by March 1. Its treasurer, Steven Lechner, requests a waiver of the statutory penalty because the Commission sent the reminder notice to the PAC's treasurer rather than to Mr. Lechner, as the PAC had requested. *Staff recommendation: the staff recommends waiving the penalty.*

11. Request for Waiver of Penalty/Yarmouth Taxpayers Association

The Yarmouth Taxpayers Association PAC did not file the updated registration form by March 1, 2006. The PAC requests a waiver of the \$250 penalty. *Staff recommendation: the staff recommends waiving the penalty.*

12. Finding of Violation of \$500 Contribution Limit/Cianchette for Governor 2002 and Cianbro Corporation

Ron Harwood, a former employee of Cianbro Corporation, filed a request for an investigation. He alleges that in 2002, Cianbro paid more than \$53,000 in labor and materials to assemble and install signs supporting Peter Cianchette's 2002 gubernatorial campaign. The contribution limit for campaigns for governor is \$500 per election. During the 2002 elections, however, there was no penalty in the Election Law for providing a contribution in excess of the \$500 limit.

After consulting with Cianbro's president, Peter Cianchette responded to a staff violation notice by telephone. The Cianchette campaign and Cianbro do not dispute a finding by the Commission that the 2002 campaign and Cianbro violated the \$500 contribution limit. *Staff recommendation: the staff recommends finding that the 2002 Cianchette campaign and Cianbro violated the \$500 contribution limit by accepting and making an over-the-limit contribution.*

Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT